

GOVERNMENT OF TELANGANA
ABSTRACT

Tribal Welfare Department - Adilabad District - Revision Petition filed by Sri Boini Lingaiah S/o Pullaiah R/o Tumpalli Village, Asifabad Mandal, erstwhile Adilabad District and (3) others aggrieved by the orders of the Additional Agent to Government, Utnoor in LTR Appeal No.A4/LTR / 17/1999, dt. 09.05.2012 - Rejected - Orders - Issued.

TRIBAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No. 47

Dated: 12-10-2018,
Read the following:-

- 1) Sri Boini Lingaiah S/o Pullaiah R/o Tumpalli Village, Asifabad Mandal, Adilabad District and (3) others, dt 08.09.2012.
- 2) Govt.Memo.No.13051/LTR.2/2012, dated 12.11.2012.
- 3) From the Additional Agent to Government, Utnoor, Letter No.A4/LTR /17/1999,dated 24.12.2012.

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ORDER

In the reference 1st read above, Sri Boini Lingaiah S/o Pullaiah R/o Tumpalli Village, Asifabad Mandal, Adilabad District and (3) others have filed Revision Petition before the Government aggrieved by the orders of the Additional Agent to Government-cum-Project Officer, ITDA, Utnoor, Adilabad District in Land Transfer Regulation Appeal No.A4/LTR/17/1999, dt. 09.05.2012 in respect of Schedule property bearing Sy.No.49 land an extent of Ac.8.93 Cents situated at Tumpalli (V) of Asifabad (M), erstwhile Adilabad District.

2. In the reference 2nd read above, while sending a copy of the Revision Petition the Project Officer & Additional Agent to Government, Utnoor was requested to furnish Para Wise Remarks and connected case records and in the reference 3rd read above the Additional Agent to Government, Utnoor has furnished Para Wise Remarks and connected case records.

3. The Main grounds of the case are as follows:

- That, the Judgement and order of the Additional Agent to Government-cum-Project Officer, ITDA, Utnoor, Adilabad District is contrary to law and facts of the case.
- The Additional Agent to Government, Utnoor & the Special Deputy Collector(TW), Adilabad ought to have seen that, the original sale transaction took place on 16-6-1967 and land was transferred on the same day. The Revenue records are showing that the Revision Petitioners are in possession of the subject land from 1969-70. Therefore the original transfer was made prior to the coming the AP Scheduled Area Land Transfer Regulation into force in Adilabad District.
- The Additional Agent to Government, & the Special Deputy Collector(TW), Adilabad District ought to have seen that, late Rasool Bee executed the registered sale dated 3rd August 1970, confirming the previous unregistered sale transaction dated 16-6-1967.
- The AP Scheduled Area Land Transfer Regulation came into force at this area with effect from 3.2.1970 and it was widely published about inclusion of this area under the purview of AP Scheduled Area Land Transfer Regulation. Further it was not informed to the registering authority about inclusion of this area and such the registering authority without making any objection got registered the sale transaction dated 3-8-1970.

- That it was the obligation of concern authorities to inform the general public about the inclusion of areas covered under AP Scheduled Area Land Transfer Regulation and further inform the general public about the ban on transfers of immovable property.
- That the Revision Petitioners are semi illiterate persons and they were unaware about the inclusion of the area where they purchased the land under AP Scheduled Area Land Transfer Regulation. That, only with intent to get perfect title the sale transaction was registered on 3-8-1970.
- That, the Revision Petitioners are poor persons and they are entirely depending on the above said agricultural lands.
- That, the children of late Rasool Bee made a complaint before the SDC(TW), Utnoor, with some malafide intention.
- That the other grounds would be “urged at the time of hearing of the Revision Petition.
- Therefore, it is, prayed that the Honorable esteem authority may kindly be pleased to set aside the order passed by the Additional Agent to Government, Utnoor vide Land Transfer Regulation Appeal No.A4/LTR/17/1999 Dated 09-05-2012 and order passed by the Special Deputy Collector(TW), Utnoor vide TW/A1/100/1995 dated 23.02.1999, and to pass any such other order or orders as deem fit and proper in the circumstances of the case and in the interest of justice.

4. The remarks of the Additional Agent to Government, Utnoor on the Revision Petition are as under:

- The Contention of the Appellant is not true. As per the judgement of Special Deputy Collector(TW) Utnoor in case No.TW A1/100/95 Dt 23-02-1999, the Appellant and Respondent therein ejected from the suit land in Sy.No. 49 Ext 8.93 guntas of Tumpally Village of Asifabad Mandal in District Adilabad and taken in to Government Custody under panchanama and zimmipratsik also issued by the Tahsildar, Asifabad and after the appellant filed an appeal in the court of Additional Agent to Government. On perusal of documents and after Court trail the Additional Agent to Government/Project Officer, ITDA upheld the judgement of the lower court and rejected the claim of appellant and set aside his appeal petition in this Case No. A4/LTR/17/1999 Dated 09-05-2012. It is also directed to the Tahsildar, Asifabad to restore the scheduled property to the Government custody immediately without any delay and the same was implemented by the Tahsildar and the land is now under Government custody.
- The Appellants Grandfather Pochanna S/o Mallaiah R/o Tumpally Village of Asifabad Mandal had said to be purchased the suit land from Smt.Rasool Bee through Ordinary sale deed on 16-06-1967 prior to coming in to force of APSLTR 1959 read with amended regulation 1 of 1970.
- Hence, even though the Appellant Grandfather purchased the suit land on 16-6-1967 for the cause of un registry, it was not entered in the pahani for the year of 1967-68. After completion of the registration on 03-08-1970 the name of the purchaser entered in the pahani for the year of 1969-70. Hence it is clearly shows the valid transaction was occurred after the commencement of the Andhra Pradesh Scheduled Areas Land Transfer Regulation 1959 read with Amended Regulation 1 of 1970.

- The contention of the Appellant is not true. The judgement of the Additional Agent to Government/Project Officer, ITDA, Utnoor, has been pronounced in the open court on 9th day of may 012 and the judgement copies were dispatched to the Appellant and Respondent Special Deputy Collector(TW) Utnoor and the Tahsildar concerned on 19-5-2012. Hence, the allegation of the appellant is baseless.
- That the petitioner on the whole telling lies in the Revision Petition and tried to escape from the agency law by telling lies. It is general practice of the Non-Tribals in the agency areas that they are contravening the agency laws by acquiring the immovable properties when the matter comes to the notice they are trying to safeguard them from the agency laws. Hence, the contention of the petitioner mentioned in the Revision petition are not believable.

5. Government after conducting hearings and after careful examination of the Revision Petition and as verified from the documents produced before the authority as well as before the Additional Agent to Government, Utnoor, Adilabad District, it is observed that;

- The Revision Petition was filed by Sri 1) Boini Lingaiah 2) Komu Mallaiah 3) Velupula Shankaraiah and 4) Velupula Aankulu claiming that the property was purchased by them on 16.6.1967 and they got it registered on 03-08-1970.
- As seen from the records the sada agreement Dt 16.06.1967 is in the name of 1) Boini Posetty 2) Velpula Ankulu 3) Velpula Shankar and komma Mallaiah where as the Regd. Sale deed executed on 03.08.1970 is in the name of Boosetty Pochamma S/o Mallaiah. Hence they cannot claim the property as rightful owners of the scheduled property.

6. Government after careful examination of the matter hereby rejects the Revision Petition filed by Sri Boini Lingaiah S/o Pullaiah R/o Tumpalli Village, Asifabad Mandal, Adilabad District and (3) others and upholds the orders of the Additional Agent to Government and Project Officer, ITDA, Bhadrachalam in Land Transfer Regulation Appeal No.A4/LTR /17/1999, dt. 09.05.2012 in respect of Schedule property bearing Sy.No.49 land an extent of Ac.8.93 Cents situated at Tumpalli (V) of Asifabad (M), Adilabad District.

7. The Additional Agent to Government and Project Officer, ITDA, Utnoor, Adilabad District shall take necessary further action accordingly. The original case records received in the reference 3rd read above are returned herewith to the Additional Agent to Government-cum-Project Officer, ITDA, Utnoor, Adilabad District

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

BENHUR MAHESH DUTT EKKA,
SECRETARY TO GOVERNMENT

To

Sri Boini Lingaiah s/o Pullaiah
r/o Tumpalli Village, Asifabad Mandal, Adilabad District.
Sri Kommu Mallaiah s/o Ramaiah
r/o Tumpalli Village, Asifabad Mandal, Adilabad District.
Sri Velpula Shankariah s/o Mallaiah
r/o Tumpalli Village, Asifabad Mandal, Adilabad District.
Sri Velpula Ankulu s/o Mallaiah
r/o Tumpalli Village, Asifabad Mandal, Adilabad District.
Sri Kaja Moinuddin s/o Shaik Rasool
r/o Gundi village, Asifabad Mandal, Adilabad District

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Sri Kaja Basheerddin s/o Shaik Rasool

S/o Kaja Moinuddin Gundi village, Asifabad Mandal,
Adilabad District

The Project Officer, ITDA and Additional Agent to Government,
Bhadrachalam, Bhadrachalam District (w.e.)

Copy to :

The Government Pleader for Social Welfare, High Court Buildings, Hyderabad.

The Special Deputy Collector(TW), Utnoor, Adilabad District.
for information and necessary action.

The Tahsildar, Asifabad Mandal, Adilabad District.

Sri K. Shyam Kumar, Advocate,

3-6-190/A/B1, Raghunandh Apartments, Urdu Hall,
Himayat Nagar, Hyderabad 500 029.

P.S to M(TW)/P.S. to Secretary(TW)

SF/SC

// FORWARDED:: BY ORDER //

SECTION OFFICER